

REMARKS

Claims 1-38 are pending in the current application, with claims 24 and 34 being withdrawn and claims 35-38 being newly presented for examination. Claims 1-23, 25-27, and 32 currently stand rejected, and claims 1, 18, and 33 have been amended. The Examiner notes allowable subject matter in claims 28-31 and 33. Applicants respectfully submit that, in light of the preceding amendments and following remarks, the remaining claims are also allowable.

Claim Rejections – 35 U.S.C. § 103

Claims 1-6, 8-10, 13 and 15-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat 6,694,830 to Hakes (“Hakes”) in view of US Pat 6,731,100 to Hansen et al. (“Hansen”). Applicants respectfully traverse this rejection for the reasons detailed below.

Initially, Applicants note that each of independent claims 1 and 18 have been amended to clarify that “**about 1000 or more** two-dimensional digital images” of illuminated milk are recorded in the recited apparatuses and methods. The Examiner has applied Hansen for teaching recording digital images of milk; however, Hansen teaches the use of **up to four exposures, but preferably just one exposure**. See Hansen, Col. 5, ll. 53-58. Thus, Hansen fails to teach the high number of digital images recorded in the claims and instead teaches away from the same.

Hakes does not cure the disclosure and suggestion deficiencies of Hansen discussed above. Specifically, Hakes is silent with regard to digital images entirely, let alone a number to be recorded. Because Hansen and

Hakes, alone or in combination, fail to teach each and every element of claims 1 and 18, Hansen and Hakes cannot anticipate or render obvious claims 1 and 18. Claims 2-6, 8-10, 13, 15-17, and 19-23 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection under § 103(a) to claims 1-6, 8-10, 13 and 15-23 is respectfully requested.

Claims 11, 12, 14, 25-27, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hakes in view of Hansen as applied above and further in view of US Pat 3,367,416 to Van Der Lely et al. ("Van Der Lely"). Applicants respectfully traverse this rejection for the reasons detailed below.

Van Der Lely does not cure, nor does the Examiner apply Van Der Lely for curing, the disclosure deficiencies of Hakes and Hansen discussed above with regard to claims 1 and 18. Because Hakes, alone or in combination with Hansen and Van Der Lely, fails to teach or suggest each and every element of the claims, these references cannot anticipate or render obvious claims 1 and 18. Claims 11, 12, 14, 25-27, and 32 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 11, 12, 14, 25-27, and 32 under § 103(a) is respectfully requested.

Examination of New Claims 35-38 and Entry of Amendments

Applicants respectfully request the entry of the above amendments following the closing of prosecution in connection with this application because the above amendments place the claims in a position for allowance,

require no further search or consideration, and at least place the claims in better form for appeal. Thus, the above amendments may be entered after final in compliance with 37 C.F.R. § 1.116.

Claims 35-38 are newly presented for examination in addition to previously-presented claims 1-34. Applicants respectfully submit that claims 35-38 are allowable at least by their dependency upon allowable base claim 1 and 18 as discussed above. Examination and allowance of new claims 35-38 are respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-38 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

RD
JAC / REA : tlt